

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

MONT CLAIRE AT PELICAN
MARSH CONDOMINIUM
ASSOCIATION, INC.,

Plaintiff,

v.

Case No: 2:19-cv-601-SPC-MRM

EMPIRE INDEMNITY
INSURANCE COMPANY,

Defendant.

ORDER¹

This matter comes before the Court on sua sponte review of the file. The Court stayed this case last year for the parties to attend appraisal. ([Doc. 33](#)). Although the parties have done so, they have been fighting over the result. Defendant Empire Indemnity Insurance Company first moved to set aside the appraisal award, which the Court denied. ([Doc. 63](#)). Plaintiff Mont Claire at Pelican Marsh Condominium Association, Inc. now moves to confirm the appraisal award ([Doc. 67](#)), which Defendant opposes ([Doc. 72](#)). Because the

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matter of appraisal is not yet resolved, the Court will exercise its discretion to keep this case stayed pending resolution of Plaintiff's latest motion.

The motion has been referred to the assigned Magistrate Judge for a report and recommendation. To expedite resolution of the motion and/or this action, the parties may consent to proceed before the assigned Magistrate Judge to conduct some or all proceedings (including specified motions and trial) and enter final judgment by filing the appropriate [AO85 form](#) found on the undersigned's website.

Accordingly, it is now

ORDERED:

This case will remain **STAYED** pending resolution of Plaintiff Mont Claire at Pelican Marsh Condominium Association, Inc.'s Motion for Confirmation of Appraisal Award. ([Doc. 67](#)).

DONE and ORDERED in Fort Myers, Florida on October 27, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record